IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

CRP.No. 300 of 2006()

OP(Transfer).142/2006 of DISTRICT COURT,KOZHIKODE
.....

REVN. PETITIONER: RESPONDENT:

K.E. MOHANDAS,
S/O. MEENAKSHI @ SREEDEVIKUTTY AMMA, RESIDING IN
THIYYAKANDI CHALIL, KINALOOR AMSOM AND DESOM,
KOYILANDY TALUK.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: PETITIONER:

KIZHAKKALIL EDATHIL BALAKRISHNAN NAIR,
S/O. LAKSHMIKUTTY AMMA, KINALOOR AMSOM,
MUNDAKKARA DESOM, KOYILANDY TALUK.

BY ADV. SRI.N.L.KRISHNAMOORTHY
SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Order on I.A.1360/06 in C.R.P.No.300/06

4.12.06 Dismissed Sd/- M.Sasidharan Nambiar
Judge

/true copy/

P.S. To Judge

M.Sasidharan Nambiar,J.

I.A.228 OF 2007 in

C.R.P.No.300 of 2006

Dated this the 8th day of February,2007

O.R.D.E.R

C.R.P. 300/06 was filed challenging the order in O.P.(Transfer) 142/06 on the file of District Court, Kozhikode. As per the said order, learned District Judge transferred O.S.68/03 on the file of Munsiff Court, Perambra to Munsiff Court, Quilandy. The revision was dismissed on 4.12.06, when it was pointed out that as per judgment in W.P.(C) 27265/06, O.S.186/02 was allowed to be withdrawn. This petition is filed for an order directing Munsiff, Quilandy to send back O.S.68/03 to Munsiff Court, Perambra in view of the withdrawal of O.S.186/02. According to the petitioner, the order of transfer passed by the learned District Judge has to be annulled and the suit is to be retransferred to Munsiff Court, Perambra. This court dismissed the revision challenging the order

of transfer passed by the District Judge. Learned District Judge did not direct joint trial of both the suits. Therefore on the ground of withdrawl of O.S.186/02 the order of transfer cannot be annulled in a petition filed under section 151 of CPC when the revision petition was dismissed. Petitioner is at liberty to approach the learned District Judge for getting transfer of O.S.68/03 to Munsiff Magistrate Court, Perambra.

Petition is dismissed.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH,2006